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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,458	10/25/2000	Douglas M. Jennings	1712-0001	3571

7590

08/13/2003

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EXAMINER

LUM, LEE S

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/696,458

Applicant(s)

JENNINGS, DOUGLAS M.

Examiner

Ms. Lee S. Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-44 and 52-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-44 and 52-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. An Amendment was filed 4/21/03 in which Claims 45-51 were cancelled.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 26-44 and 52-61 are rejected under 35 U.S.C. 102(a) as being anticipated by a supplemental product flyer distributed by "Auto Meter Products, Inc", printed before June 1999 as evidenced by the title "New for '99", and statement in middle of page "Available in June!".

Re **Claims 26-44**, Auto Meter discloses a replacement instrument bezel comprising bezel (body of this product) configured to be mounted in a bezel-mounting space defined between a dashboard housing (inherent) and an instrument assembly (unidentified), the latter including a window (inherent) and speedometer (meter towards center of assembly), the original bezel possessing no instrument mounts (i.e., OEM), one or two instruments secured* to the bezel in respective instrument mounts, each on opposite sides of the lower portion of the bezel.

* It is clear that the additional instrument may be installed before or after the replacement bezel is installed, depending on the type of instrument. This feature does not affect the function of the invention.

Re **Claims 52-61**, Auto Meter discloses a method of adding an instrument to a vehicle that includes a speedometer, the obvious steps comprising removing an original part (instrument bezel) from a mounting space, the space including a dashboard with a rim (the rim inherent), the space including a viewing opening for a speedometer, the speedometer located at the rear of a window, and the original part not possessing instrument mounts (i.e., OEM),

installing a replacement part having at least one instrument mount, the mount located on a front side of a window,

locating the additional instrument(s) before, or after, installation of the replacement part (inherent, and dependent on type of instrument).

(NOTE: It is clear that this method is obvious from viewing the bezel, or any replacement part - removing an original part, and installing a new replacement part, are obvious, if not intuitive, steps.)

3. The prior art made of record, but not relied upon, is considered pertinent to the Applicant's disclosure: Sheldon et al 6179429 B1, Stringfellow et al 5997161.

4. RESPONSE TO REMARKS

Examiner has provided new rejections employing a 1999 product flyer from "Auto Meter Products", which discloses an after-market instrument bezel including at least one instrument gauge aperture.

Examiner acknowledges Applicant's declaration under 37 CFR 1.131. It is noted that it does not include an internet posting dated 12/6/1999, as claimed in the declaration, but merely an inquiry dated 8/28/02. Furthermore, this posting does not describe the invention, but lists several instrument clusters, the present invention being unidentified. Also, p 122 of Turbo magazine was not included in the IDS, so was not considered.

Applicant is asked NOT to include duplicates of any previous communications in future communications - this practice is unnecessary, and complicates the file. (In reference to submitted duplicates of "Amendment after First/Second Office Action")

5. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9-530, M-F. Our fax number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer assistance at (703) 306-5771.
Ms. Lee S. Lum, Examiner
8/5/03

